

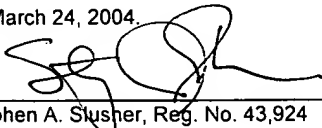


PATENT APPLICATION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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on March 24, 2004.

  
Stephen A. Slusher, Reg. No. 43,924

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/758,828  
Applicant : Maarten A. DeWaard (filed as P.L. Skatrud, et al.)  
Filed : November 20, 2001  
Title : MULTIPLE DRUG RESISTANCE GENE *atrD* OF *ASPERGILUS* *RIDULANS*  
  
TC/A.U. : 1645  
Examiner : P. Baskar  
  
Docket No. : X-11766B  
Confirmation No. : 8530

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TRANSMITTAL OF SUPPLEMENTAL DECLARATION


Sir:

Attached please find a Supplemental Declaration newly-executed by the inventor for filing in the above-identified patent application. Charge any required fees for this filing to Deposit Account No. 13-4213. Please contact the undersigned if you have any questions.

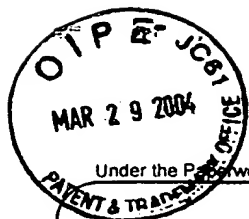
Respectfully submitted,

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PTO/SB/04 (08-03)

Approved for use through 07/31/2006. OMB 0851-0032

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**SUPPLEMENTAL  
DECLARATION FOR UTILITY  
OR DESIGN  
PATENT APPLICATION  
(37 CFR 1.67)**

**Attorney Docket Number** X-11766B**First Named Inventor** De WAARD**COMPLETE IF KNOWN****Application Number** 09/758,828**Filing Date** November 20, 2001**Art Unit** 1645**Examiner Name** P. Baskar

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**MULTIPLE DRUG RESISTANCE GENE *atrD* OF *ASPERGILLUS NIDULANS***

the specification of which

(Title of the Invention)

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY)

November 20, 2001

as United States Application Number or PCT International

Application Number

09/758,828

and was amended on (MM/DD/YYYY)

1/11/01, 10/27/03 and 1/29/04

I hereby declare that the subject matter of the ☐ attached amendment ☒ amendment filed on 1/11/01, 10/27/03 and 1/29/04 was part of the invention and was invented before the filing date of the original application, above identified for such invention.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
09/328,320 09/996,545	US	June 8 1999 Dec 23, 1997	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐ A petition has been filed for this unsigned inventor

Given Name MAARTEN A.

Family Name  
or Surname De WAARDInventor's  
Signature

Date

March 1, 2004

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Mailing Address

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ZIP

Country

☐ Additional inventors or a legal representative are being named on \_\_\_\_\_ supplemental sheet(s) PTO/SB/02A or 02LR attached